

The following message was then taken up and read :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 23, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives of the State of Texas :

SIR: I return to the House of Representatives, where it originated, the act entitled "An act to be entitled an act to authorize parties in certain cases to sue in the District Courts for headright certificates and bounty and donation warrants, and to provide for the issuance of such certificates and warrants."

It has been my construction of article ten, section six, of the Constitution, that the Legislature could make no

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further grants of land, but the Legislature, by more than two-thirds majority, has repeatedly overruled this objection, on the theory, I understand, that such certificates are not grants of lands, but only evidences of such grants previously made.

I do not propose to enter upon a discussion of this question, but if the theory is correct and it is desirable that the Legislature should be relieved of the multitude of applicants for that sort of relief who infest its halls and obstruct the legitimate business of the houses, this certainly is not a safe way of effecting it. Applicants for headright certificates under this act may sue the State in any of the most remote counties. It is not made the interest of the district attorneys, who are required to defend on the part of the State, to defeat any application; on the contrary, they are paid the same fees, whether successful or unsuccessful, thus inviting negligence and collusion.

I am very much afraid that this act will inaugurate a wholesale system of land stealing. A committee of the House, as I am informed, has developed some rather startling facts of this nature, the result of proceedings under the similar act of 1860, relating to land titles between the Nueces and Rio Grande rivers.

I do not believe that there are many persons who have just claims against the State at this late day for land certificates. I don't see, in fact, how any one can have claims entitled to consideration, who has slept upon his rights for a period of from twenty to thirty years. But if there are any such, it might be safe to provide for them by an act authorizing suit in their behalf in the District Court here at the capital, requiring the district attorney of this district to appear, under the supervision of the Attorney General, and defend on the part of the State, a reasonable fee to be paid him in the event *only* of successful defense.

Respectfully,

EDMUND J. DAVIS, Governor.

The bill was reconsidered.

The House refused to pass the bill by the following vote :

Yeas—Messrs. Adriance, Berends, Bewley, Bordeaux, Broadus, Davenport, Gillette, Hester, Ireland, Joseph, Kleberg, Leyendecker, Manning, McDonald, Payne, Powers, Prendergast, Sayers, Smith of Colorado, Thurmond, Tivy, Westfall, Winkler and Wood—24.

Nays—Messrs. Speaker, Abbott, Allison, Anderson, Armstrong, Bledsoe, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Day, Denton, Eastland, Harrison, Hoffman, Hollingsworth, Kemble, Killough, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Shaw, Short, Smith of Houston, Storey, Stockbridge, Tom, Trolinger, Washington, Wilder and Williams—41.